IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 345 OF 2005

BABU DATTA NAIK DESSAI,CANACONA GOA. ....Applicants

Versus

SPECIAL LAND ACQUISITION OFFICER AND ANR., ...Respondents

Mr. P. A. Kamat, Advocate For The Applicant.
Mr. E. Afonso, For The Respondent.

Coram:- A. P. LAVANDE, J.

Date:- 5th May, 2005

P.C.

Heard Mr.Kamat, for the applicant and Mr. Afonso, for the respondents. This application has been filed on behalf of the legal representatives of Babu Datta Naik Dessai, the respondents in First Appeal No.44 of 2000. First Appeal No.44 of 2000 was disposed of by this Court by judgment dated 7th April, 2005.

2. According to the legal representatives of the said Babu Datta Dessai, Babu Datta Dessai expired on 17th May, 2001 and, therefore, the judgment passed by this Court disposing of First Appeal No.44 of 2000 is a nullity. According to Mr. Kamat, learned counsel appearing for the legal representatives, inadvertently the fact that the said Babu Datta Dessai had expired prior to 7th April, 2005 was not brought to the notice of this Court.

3. Since the judgment in First Appeal No.44 of 2000 was passed against a person who was already dead, prior to the passing of the judgment, needless to mention that the judgment passed is a nullity. Therefore,

judgment dated 7th April, 2005, passed in First Appeal No.44 of 2000 is recalled.

A. P. LAVANDE, J.